

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHELLE LOSCALZO,

Plaintiff,

-against-

NEW ROC MOTORCYCLES, LLC,

Defendant.

07 Civ. 3046 (CLB)

DECLARATION

LEONARD N. FLAMM declares under penalty of perjury, pursuant to 28 U.S.C.

§ 1746, that the following is true and correct:

1. I am an attorney duly admitted to practice law in the State of New York, and submit this Declaration relative to my letter to Mary Ellen Donnelly, dated December 5, 2007, regarding my consultation with Michelle Loscalzo.

2. I cannot state with certainty the date on which I met with Ms. Loscalzo at my office. Rather, I extrapolated from certain notations in my diary, none of which sets forth a meeting date, that it appears to have been during the week of February 19, 2007.

3. I can, however, state that I spoke by telephone with Ms. Loscalzo periodically during January 2007, at which times Ms. Loscalzo sought my counsel regarding sexual harassment she said she was experiencing at the hands of her employer. Based upon her recitation of the relevant facts, I determined that her situation warranted inviting her to my office for further discussion, which I did.

Date: January 29, 2008


LEONARD N. FLAMM

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Declaration of Leonard N. Flamm was served by Federal Express on Putney, Twombly, Hall & Hirson LLP, attorneys for defendant, 521 Fifth Avenue, New York, New York 10175, on the 29th day of January 2007.

s/ Jason Bernbach
Jason Bernbach (JLB-3392)